IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15487 of 2005

Between:

M. Chandra Sekhar Rao S/o Sayanarayana Rao
APTWR. School, Kodavaluru, Nellore District

..... PETITIONER

AND

1 The Member Secretary, A.P. Tribal Welfare Residential Educational

Institutional Society, T.S. Bhavan, Masab Tank, Hyderabad
2 The Chairman, A.P. Tribal Welfare Residential Educational

Institutional Society, T.S. Bhavan, Masab Tank, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or order or direction declaring the impugned action of the respondents in not promoting the petitioners as PGT (PS) w.e.f.28-9-2002 and as JL (Chemistry) w.e.f.06-11-2004 on par with his Juniors by considering his representations dt:07-02-2005, 15-03-2005 as illegal, arbitrary and in violation of principles of natural justice apart from violative of fundamental rights guaranteed under Article 14, 16 and 21 of the constitution of India consequentially direct the respondents to forthwith promote the petitioner notionally w.e.f.28-09-2002 as PGT(PS) and w.e.f.06-11-2004 as JL (Chemistry) respectively on par with his juniors with all consequential and attendant benefits by considering the petitioner's representations dt.07-02-2005 and 15-03-2005 award costs.

Counsel for the Petitioner: MR.CH.SUDHAKAR BABU

Counsel for the Respondents: MR S.CHANDRAIAH

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the second respondent in not promoting the petitioner as Post Graduate Teacher (PS) with effect from 28-09-2002 and as Junior Lecturer (Chemistry) with effect from 06-11-2004 on par with his juniors by considering his representation dated 07-02-2005, 15-03-2005 as illegal, arbitrary and in violation of the principles of natural justice, and consequently, direct the respondents to forthwith promote the petitioner as claimed by the petitioner.

2 . According to the petitioner, he joined as Trained Graduate Teacher in Physical Sciences on 14-10-1992 in the A.P.Residential Educational Institutions Society at Asifabad, Hyderabad District. The petitioner passed M.Sc., Chemistry in First Class from Annamalai University while working as Trained Graduate Teacher. It is stated that many Trained Graduate Teachers in Maths who were allotted to the first respondent society have requested to accommodate them in the A.P.Residential Educational Institutions Society against vacant PGT posts in the subjects concerned. Similarly, the petitioner also made a request and accordingly as per the proceedings of the Secretary, APREIS, Hyderabad, on 09-05-2001, the petitioner was retained in APREIS along with 30 others and was also asked the petitioner to submit his transfer application dated 10-05-2001 and to attend for counseling as per TGT schedule.

The petitioner submitted his application and was posted to APREIS, Thumapenta, Nellore District, against PGT Vacancy. In spite of giving orders, the petitioner did not join, and continued in the first respondent society. The petitioner therefore, submitted that as per the seniority list, the names of the teachers who have joined the APREIS are also shown instead of deleting their names. Therefore, the petitioner made a representation for promoting to the post of PGT on par with the juniors. As repeated representations did not yield any result, the petitioner has come up with the present writ petition.

3 . Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

4 . In view of the fact that the petitioner's case along with his juniors was considered and in fact even orders are passed in favour of the petitioner, though not in the first respondent but with reference to the other institutions where the petitioner did not join, it is appropriate to consider the case of the petitioner and dispose of his representations.

5. Accordingly, the writ petition is disposed of directing the second respondent to consider the representations of the petitioner and pass appropriate orders expeditiously. No costs.

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S.ANANDA REDDY, J

18th July, 2005

SKM

Copy to:

1 The Member Secretary, A.P. Tribal Welfare Residential Educational Institutional Society, T.S. Bhavan, Masab Tank, Hyderabad

2 The Chairman, A.P. Tribal Welfare Residential Educational Institutional Society, T.S. Bhavan, Masab Tank, Hyderabad

3 Two C.D. Copies.